

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:01-CR-00037-F-1

UNITED STATES OF AMERICA,

)

)

v.

)

O R D E R

DONALD EDWARD LEGGETT,

)

Defendant.

)

)

This matter is before the court on Donald Edward Leggett's Motion to Vacate Conviction and Sentence Under 28 U.S.C. § 2255 and Retroactive Application of Crack Guidelines and Incorporated Memorandum of Law in Support [DE-42]. It appears that Leggett has filed motions pursuant to both 28 U.S.C. § 2255 and 18 U.S.C. § 3582 in the same document. Accordingly, the Clerk of Court hereby is DIRECTED to docket this filing as both a motion filed pursuant to 28 U.S.C. § 2255 and a motion filed pursuant to 18 U.S.C. § 3582. Both motions shall have the filing date of August 17, 2012.

In his § 2255 motion, Leggett appears to assert challenges based on *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011). Thus, pursuant to Standing Order No.11-SO-3 (E.D.N.C. Oct. 18, 2011), the Office of the Federal Public Defender is appointed to represent Leggett in connection with these proceedings. The Clerk of Court is DIRECTED to serve the Office of the Federal Public Defender with a copy of this order.

In addition, the undersigned notes that Leggett did not submit his § 2255 motion on the proper form. Within **forty (40) days** hereof, either Leggett, pro se, or Leggett's appointed counsel, shall file a corrected § 2255 motion. The original of the corrected form should be sent to:

Clerk of Court  
United States District Court, E.D.N.C.  
ATTN: Prisoner Litigation Division  
P.O. Box 25670  
Raleigh, North Carolina 27611

SO ORDERED.

This, the 3<sup>rd</sup> day of April, 2013

James C. Fox  
James C. Fox  
Senior United States District Judge